



Madera County Department of Agriculture Weights and Measures

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MADERA COUNTY PESTICIDE USE ENFORCEMENT PROGRAM

Workplan For 2006/2007

Our Mission:

***To preserve agriculture and our precious
natural resources; to foster consumer
confidence and fairness in the business
community; and to enhance the health and
safety of all citizens through the just
administration of the laws and regulation
entrusted to this department.***

Madera County Enforcement Work plan for Fiscal Year 2006/2007

Pesticide Use Enforcement (PUE) Resources and Workload

Personnel:

5 licensed PUE Inspectors and 2 non-licensed PUE Inspectors

All inspectors have responsibilities in one or more aspects of the PUE program, in addition to their duties in other agricultural programs, as well as Weights and Measures programs. Together, the hours dedicated to PUE equate to 4 full-time inspectors. In fiscal year 05/06 the department lost its 2 bi-lingual Inspectors. We currently have 0 bi-lingual Inspectors on staff.

3 Licensed PUE Inspectors

Currently vacant

1 Deputy Agricultural Commissioner

Currently unfilled

1 Assistant Agricultural Commissioner

Supervisory Role

1 Agricultural Commissioner

Supervisory Role

2 clerical/data entry positions

All staff is centrally located in our Madera office and report directly to the Assistant Commissioner. 5 of the 7 Inspectors working in PUE are licensed; Of the 5 licensed Inspectors only 3 have more than one-year of experience in PUE enforcement.

Equipment/Facilities:

The Madera County Agricultural Commissioners office (MCAC) is open to the public weekdays, 8 am to 5 pm. Emergency contact is available outside of office hours via county or state "first-responder" agencies; in addition, the Agricultural Commissioner is listed in the Madera phone directory.

Each Inspector has a computer workstation at their desk for permit issuance, report preparation, and internet and e-mail access. The front counter is equipped with a computer workstation for permit issuance. Our office uses the Restricted Materials Permit Program (RMPP) that is linked to AgGis; web-based applications are utilized for some NOI submittal and pesticide use reporting.

Our office is equipped with one dedicated computer work station for Global Information System (GIS) mapping. Our office currently has ArcGIS on all Inspectors desktop and 2 Inspectors with some basic training in its use. We have one mobile GPS unit.

All Inspectors have vehicles assigned for their use. The following are available for use in the field: cell phones, two digital cameras, and one laser rangefinder.

A. Restricted Materials Permitting

Workload (Approximations)

- 480 Restricted Materials permits issued
- 420 Operator Identification numbers issued
- 3,000 Notices of Intent received/reviewed annually
- 60,000 lines on Pesticide Use Reports
- 211 Groundwater Protection Areas
- 540 certified Private Applicators
- 3 Pesticide Dealers
- 130 registered Pest Control Businesses
34 Home-based
- 185 registered Pest Control Advisors
26 Home-based
- 100 registered Farm Labor Contractors
29 Home-based
- 90 Notifications from Structural Pest Control Businesses
14 Home-based

Goal

- Protect the people of Madera County and their environment while allowing effective pest management.

Permit Evaluation

In the MCAC, Inspectors are responsible for evaluating and issuing permits to operators within their assigned districts. Familiarity with the operations in each of the five districts enhances environmental protection, as well as improving customer service. The ability to effectively review permits in 2006/2007 will be negatively impacted by the lack of Inspector experience in their assigned districts. By policy, MCAC issues Restricted Materials Permits for a maximum period of one year.

During the fall of each year, in preparation for the upcoming growing season, current holders of Restricted Materials Permits and Operator Identification Numbers are sent a notification letter and application form for permit renewal. The completed application form and crop maps if any changes have occurred are submitted by the Permittee to the MCAC. This procedure allows time for the Inspectors to review the operator's file prior to issuing the Permit/Operator ID. If use-reporting inadequacies are found, the pesticide dealer is contacted for a complete list of materials purchased. Purchased pesticides must be either reported as used or present at the storage site; the permit is withheld until the issue is resolved. This process establishes accountability from the initial permit evaluation phase, through permit issuance.

Inspectors utilize a renewal checklist to ensure that permit applicants are qualified and have met requirements to hold a Restricted Materials Permit. Operators must either own or lease the properties to be listed on their permits. Operators managing properties other than their own must possess a Pest Control Business License. When questions of unlicensed farm management arise, a title or lease agreement may be required prior to permit issuance.

Permits for new or absentee owners receive particular attention. New permittees receive an Answer Book, a county-produced manual that covers, in plain English, the basic regulatory requirements for the use of pesticides in Madera County. Absentee owners must demonstrate that their operation can provide qualified on-site supervision of employees handling pesticides.

Each site included on the permit is identified down to the field level on our county GIS crop layer, utilizing aerial imagery and prior-year site boundaries. Residential areas, schools, waterways, and other sensitive areas are visible on the crop layer; this assists in evaluating sites to determine if a substantial adverse impact may result from the application of restricted materials. Surrounding crops are updated as permits are renewed. Feasible alternatives to restricted materials are considered and implemented when appropriate.

Private Applicators and Qualified Applicators are verified and listed on the permit. Employers of pesticide handlers must have a qualified trainer. If the operator of the property is not available to sign the permit, an authorized representative is allowed to sign with the proper documentation. The compliance database is checked for areas that need to be addressed with the permit applicant.

Deliverables

- Improve Permit Issuance Process

During 2006/2007, we will continue to improve the accuracy of the GIS crop layer, amending the layer as sites and crops change. We plan to continue evaluating and documenting designating sensitive sites on the crop layer.

We expect that improvements to the crop layer's as a result of 05/06 data input, will increase the accuracy of our permit system.

- Limit Duration of Operator ID Numbers with Negative Compliance Histories

Ag Commissioners do not currently have the authority to deny an Operator ID Number, as can be done in the case of a Restricted Materials Permit. We will limit the period for which an Operator ID Number is issued, in cases with negative compliance histories. The MCAC does not issue multi-year OP. ID or Restricted Material Permits.

We expect this additional enforcement option to reduce repetitive violations among holders of Operator ID Numbers.

- Following the receipt of the Restricted Material Permit/Operator Identification Number holders paperwork, Inspectors will call to schedule an appointment or inform the permittee they may pick-up and sign completed Permits/Operator ID.
- In fiscal year 05/06 the department lost 6 licensed Inspectors; 3 to the Fresno County Commissioners Office and 1 to the DPR Fresno Office. Due to the loss of 6 licensed Inspectors in fiscal year 05/06 the permitting procedures described will be modified as staff challenges present themselves.

Site-Monitoring Plan

Notices of Intent (NOI) are received in person, by phone, online, or by fax. A minimum of one Inspector is assigned to office duty on a daily basis. Proposed applications are reviewed for

accuracy, completeness, and to ensure compliance with permit conditions. Product labels are reviewed to determine possible adverse impacts. In some cases, inspection of the proposed site is necessary in order to adequately evaluate a proposed application. The applicator is notified, by phone, of the approval or denial of each NOI.

When selecting sites for pre-application inspection, we take into consideration pesticide hazards, local conditions, cropping and field patterns, and compliance histories of permittees, applicators, and advisors.

Madera County conducts pre-application site inspections on greater than 5% of the sites named in the Notices of Intent received. In addition to the concerns noted above, these inspections are conducted using the potential for increased hazards as the primary criteria.

Deliverables

- In fiscal year 06/07 each NOI received will be reviewed and approved. Applications will not proceed as scheduled without inspector approval.
- Ensure that Site-Monitoring Plan is Comprehensive

We anticipate that the improved GIS crop layer will enable us to better utilize our departmental resources in the identification of proposed applications requiring on-site evaluation.

We will focus pre-application site inspections on the following applications: field fumigations; springtime applications of phenoxy herbicides; cotton defoliation applications which may impact residential areas; aerial applications near sensitive areas; applications in areas which have generated complaints in the past; and applications of Section 18 materials.

We expect targeted monitoring of proposed application sites will optimize resources, while providing additional evaluation in application situations with the potential to impact human health and the environment.

B. Compliance Monitoring

2006/2007 Inspection Workload (Approximations)

Agricultural Application	
Grower	20
Pest Control Business	5
Agricultural Mix/Load	
Grower	10
Pest Control Business	5
Field Worker Safety	0
Fumigations – Agricultural	
Field	5
Commodity	5
Structural Applications	

Branch 1	2
Branch 2/3	0
Records Inspections	
Pest Control Business	5
Pest Control Business HQ/Empl.Safety	5
Dealer	3
PCA	5
Grower HQ/Employee Safety	15
Structural HQ Employee Safety	0

Comprehensive Inspection Plan

Goal

- Utilize an effective and comprehensive compliance-monitoring program to reduce risks to people and the environment.

Field Worker Safety inspections are conducted in fields where there has been a pesticide application in the past 30 days. Proximity to other treated fields, compliance history of the employer, and the potential for fieldworker exposure are considered when deciding where to concentrate the departments inspector resources.

Pesticide Use Monitoring Inspections are conducted on growers and Pest Control Businesses; prioritization is based on the potential hazard posed by the application. We consider the material being applied, method of application, proximity to sensitive areas, and compliance history of the applicator. In addition, random inspections are conducted within each of the five PUE districts during routine surveillance.

Headquarter and Records inspections are conducted as a follow-up for all inspections where violations are discovered. These inspections are also conducted during illness and incident investigations. Further, random inspections are conducted within each of the five PUE districts.

One pesticide use-monitoring inspection for each non-agricultural permit issued will be completed.

Weekly staff meetings are scheduled for coordination, identification of areas of concern, and dissemination of new information.

Deliverables

- Emphasize Incident Prevention

The department recognizes that Field Worker safety inspections prevent accidental pesticide exposures; however the department's ability to perform Field Worker Inspections will be significantly impacted by Inspector inexperience performing and no bi-lingual employees on staff.

- Improve Procedure for Inspection Follow-up

During 2005/2006, we improved our inspection database to allow the generation of updated lists of inspections requiring follow-ups, for each of our inspectors.

The MCAC acknowledge that timely follow-ups increase our effectiveness in the field, and that compliance improves. The MCAC will have difficulty meeting this mandate in

fiscal year 06/07 due to limited staff resources. The MCAC will solicit assistance from DPR when necessary.

Timely Initiation and Completion of Investigations

Goal

- Thoroughly investigate every incident and complete the investigation in a timely manner with accurate and supportive information.

Both illness and incident investigations are initiated and completed in a timely manner. Priority investigations are initiated immediately upon notification. Proper techniques are used for interviews, evidence collection and documentation. Investigations are logged and tracked through completion. The Assistant Commissioner reviews each report for thoroughness before final review by the Commissioner. Completed illness investigation reports are submitted to the DPR's Worker Health and Safety Branch.

During 2005/2006 we investigated 9 pesticide illness cases, including one referral from an adjacent county. Further, we investigated twenty-one pesticide drift incidents.

A Monthly Pesticide Episode Investigation Log is maintained for those investigations that are not assigned a Worker Health and Safety illness investigation number or a priority episode tracking number.

Deliverables

- Thorough and Timely Completion of Pesticide Incident Investigation Reports.

Previously priority investigations and other complex investigations were assigned to one of two lead investigators, investigations involving field workers were assigned to one of our Bi-lingual inspectors. In recent months our two lead Investigators and all our bi-lingual inspectors left Madera County employment. Routine investigations are assigned to district inspectors. The MCAC has five districts; only three of the five district inspectors have any field experience.

We recognize that timely completion of incident reports will result in a swifter and thus more effective enforcement response. The challenge will be with our current staff level, and lack of experience achieving the desired goal.

- The MCAC may require assistance from DPR to achieve the desired deliverables in this critical program area.

C. Enforcement Response

Goal

- Fairly and consistently apply DPR's Enforcement Response Policy to incidents in which violation of pesticide laws or regulations have been confirmed and documented.

It has been our experience over the years that there is a correlation between laxness with paperwork and subsequent non-compliances in the field. We have found that time spent on thorough evaluation during the permit issuance process is invaluable in the prevention of future problems. Limitation or denial of pesticide permits is an integral component of our overall enforcement strategy.

Further, we have found that grower outreach, both to acquaint operators with new regulations

and to provide an opportunity for questions, is invariably time well spent. This involves one-on-one reviews of the requirements with new growers, as well as Continuing Education sessions for Private Applicators. Growers must be apprised of the consequences of violations of the law.

Finally, we emphasize follow-up where non-compliances are found. Whatever the ultimate penalty, operations with problems must receive continuing attention until compliance is achieved. In addition to follow-up inspections, this may involve cease-and-desist orders, compliance interviews, letters of warning, or Notices of Violation.

Violations are reviewed and classified using the Enforcement Response Policy. The appropriate response, and the relative priority of the case, is then established. Enforcement actions are progressive, varying in degree from notice of non-compliance to administrative civil penalties to higher-level actions, including referral to the District Attorney for criminal sanctions.

Deliverables

- Adherence to DPR's Enforcement Response Policy in determination of appropriate response to violations

We will continue to develop and implement a standardized procedure for inspectors to refer repeat violators to management for enforcement action review.

We anticipate that fair, consistent, progressive, and transparent enforcement response will continue to strengthen the regulation of pesticide use in Madera County.

- A Decision Report will be submitted in lieu of other enforcement action in accordance with DPR guidelines.
- In fiscal year 05/06 the MCAC developed procedures that enabled us to follow the procedures mandated by the Enforcement Response Plan. The ability of the MCAC in 06/07 to build or maintain the successes achieved in 05/06 will be limited by staff shortages and inexperienced unlicensed Inspectors